

SID RICHARDSON

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The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street S. W.
Washington D.C., 20554

RE: WT Docket No. 02-55, Notice of Proposed Rulemaking – Improving Public Safety Communications in the 800 MHz Band.

Sid Richardson Energy Services Co. (Richardson) respectfully submits, in the above referenced proceedings, comments and concerns regarding the proposed reallocation of the 800 MHz band and its subsequent impact on private sector, critical infrastructure providers. While Richardson lacks the resources, both technically and financially, to offer alternate proposals in terms of technology or spectrum reallocation, we are involved with other licensees in working to find a common acceptable solution and applaud the Commission for opening the issue to comment and consideration.

Richardson is a **privately owned** mid-stream natural gas company, with operations spread over a large, thirteen county area in rural western Texas and southeastern New Mexico. Pursuant to our business of gathering and processing gas from the Permian Basin, we operate over 4,000 miles of gathering pipelines, six natural gas processing and treating plants, and over 200 compression facilities. In 1997, after significant study, Richardson selected 800 MHz trunking as the foundation of a voice and data communications system intended to service our needs for the next 15 – 20 years. While non-licensed, spread spectrum was reviewed as an option for the data portion of our system, we instead chose the protection from interference and economic security afforded by Licensing as a means of protecting our capital investment and assuring reliable operations. In good faith, we licensed and built out a system, completed in early 2001, at a total cost exceeding \$1.5 million. Our system, carrying both voice and real-time data, is essential for the continued safe operation of our pipelines and process plants. In addition to the fire and

explosion hazards inherent to pressurized natural gas, much of our pipeline carries unprocessed and untreated "well head" gas, which is often laden with highly toxic Hydrogen Sulfide. Wide area, reliable, interference free, wireless communications is critical in monitoring and controlling of the pipeline system, early detection of leaks or pipeline ruptures, and the safety of both our personnel and the general public.

As a small business and a critical infrastructure provider, Richardson fully supports the Commission in its concerns about the predominately CMRS created interference issues facing Public Safety organizations, but urges the Commission to keep these interference issues separate from other agendas. Richardson also respectfully reminds the Commission that non-Public Safety incumbents are being subjected to the same CMRS created interference. Many of these private licensees, both communications service providers and critical infrastructure providers, play key roles in many aspects of public safety; frequently working side-by-side with law enforcement, fire, and EMS.

At the current time, Richardson has received no complaints of Public Safety interference caused by the operation of our system. Furthermore, we have experienced no known interference from Nextel or other CMRS providers. Given this, Richardson stands to gain nothing from a forced relocation to 900 MHz or reallocation within the current band. While Richardson recognizes that equipment purchased five years ago is no longer state-of-the-art, it by no means has reached the end of its life cycle and should not be considered obsolete. Relocation to another band, without full reimbursement, would pose a significant hardship for Richardson; providing financial advantage to our larger, investor owned competitors.

Richardson's contention is that the Commission should not the burden non-interfering incumbents with relocation as a remedy to problems caused by new entries into the band. It is our belief that large scale re-banding, in the name of correcting interference, further shifts the financial burden from Nextel (and its customers) to incumbents that are not causing interference. It appears that the Nextel White Paper proposal is an attempt by Nextel to avoid the full financial burden of correcting the Public Safety and B/ILT interference issues, which it appears responsible for. Furthermore, Nextel's proposed solution seems to be self-serving in several additional areas, such as obtaining contiguous spectrum in several bands as well as increasing their customer base at the expense of their competitor's hardships resulting from a forced relocation. Whether an unwritten agenda, or strictly coincidental, Motorola's partial ownership in Nextel adds to the potential financial gain resulting from the Nextel plan, which would require replacement of a significant portion of the country's privately owned, wireless two-way communications infrastructure.

Remaining as a “secondary, non-interference” user on the band would leave our company vulnerable to future changes in Public Safety communications; potentially leaving us open to a requirement to suddenly cease use of our system.

While the propagation characteristics of 900 MHz are of some concern in terms of a marginally reduced coverage footprint, the reduced bandwidth utilized at 900 MHz, 12.5 kHz rather than the 25 kHz utilized at 800 MHz, could seriously impact our operations by reducing the maximum data throughput speed. A reduction in data throughput would necessitate increasing the number of frequencies needed to maintain the current level of service; providing both increased cost and increased concern over the availability of frequencies.

Migration to “public radio networks” is not a viable solution for our company, since rural coverage by data capable systems is extremely limited in our operating area.

Richardson urges the Commission to seek remedies that impose the burden on those causing interference, in specific geographic areas. Richardson believes that this is well within the current scope of the Commission without the implementation of additional rules or reallocation. Should the Commission favor a rule-based solution, the entities causing the interference should be held financially responsible for the solution. Such responsibility should include the complete funding any required reallocation or rebanding of non-interfering incumbents. The commission should also assure that the time frame for any such reallocation take into consideration the complexity of the issues involved.

While the importance of sufficient bandwidth and interoperability for Public Safety organizations is of paramount importance in many urban areas, the Commission already has several venues open in this respect. Committees are already at work addressing interoperable and 700 MHz as important pieces to solving the issues facing Public Safety Communications. The Commission is urged to resolve the current Public Safety interference issues without imposing these other agendas on this proceeding.

In conclusion: Richardson urges the Commission carefully weigh the alternatives, giving favor to the time proven “last in, fix it” doctrine that has served it well for so many years. There seems to be ample “technology based” solutions available to Nextel, and similar CMRS providers, that are far less traumatic to both Public Safety and Private Industry users than wholesale re-farming of the band. If the Commission insist on a reallocation-based solution, Richardson sees the modified NAM/MRFC proposal, from the Private Wireless Coalition, as the most equitable

solution offered, provided that non-interfering parties are fairly compensated to cover the full cost of relocating or re-tuning.

Thank your for your time and consideration;

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